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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lone Wolinsky et al.

Serial No. 09/522,724

Filed: March 10, 2000

For: SYSTEMS AND METHODS FOR
DEPLOYING A BIOSENSOR WITH
A STENT GRAFT

Group Art Unit: 3731

Examiner: Vy Q Bui

247/212
Patent

#6
L. Byrce
3/29/02

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AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Examiner's restriction requirement under 35 U.S.C. § 121 dated December 13, 2001, Applicant hereby elects without traverse the subject matter of Group I (claims 1-15). Therefore, Applicant cancels claims 16-20 without prejudice. Applicant reserves the right to prosecute claims 16-20 in a later application.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

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In addition to the restriction requirement, the Examiner required that Applicant elect a species to prosecute in this application in the event that a generic claim is not allowed. The Examiner took the position that there were several species in this application as follows:

Group 1:

Species 1: Fig. 1

Species 2: Fig. 2

Species 3: Figs. 4A-4B

Species 4: Figs. 5A-6B

Group II:

Species 1: Figs. 4A-4B

Species 2: Figs 5A-6B

Applicant has already elected Group I. Therefore, Applicant declines to comment on the propriety of separating the subject matter of Group II into two species since that issue is now moot.

With respect to Group I, Applicant elects Species 2 with traverse. Applicant respectfully requests that the Examiner modify the species election, because Figs. 1 and 2 are not separate species. Fig. 1 shows a stent graft 10, which includes the following components: a tubular prosthetic graft 14; a support structure 16; and a biosensor 12. Meanwhile, Fig. 2 shows one of the components of Fig. 1, namely the support structure 16, which is also a tubular structure (see page 10, lines 14-16), and can either be used with the tubular prosthetic or by itself. In either case, both Figs. 1 and 2 show a tubular stent (or a section of a tubular stent in the case of Fig. 2) with a biosensor attached thereto. Therefore, a separate search is not required for Figs. 1 and 2, and Applicant

consequently requests that the Examiner modify the species election requirement to join Figs. 1 and 2 into one species.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**" Prompt and favorable action on the merits of the claims is earnestly solicited. If any minor issues remain, please contact Applicants' undersigned representative at (858) 552-8400.

The Commissioner is authorized to charge any fees that may be required by the filing of these documents, or credit any overpayment to Lyon & Lyon Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON

Date: March 13, 2002

By: 

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Version With Markings To Show Changes Made

Please cancel claims 16-20 without prejudice.